

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

ALONZO AUSTIN, etc.,)
)
Plaintiff,)
)
v.) Case No.: 3:07-cv-00138-MHT-WC
)
MODERN WOODMAN OF)
AMERICA, et al.,)
)
Defendant.)

MOTION TO STAY PENDING
RESOLUTION OF MOTIONS TO DISMISS

Defendants Macon County Probate Judge Alfonza Menefee and the defendant designated as the “Macon County Sheriff Dept.” move the Court to stay all proceedings in this action, including the requirement that the parties hold a Rule 26 Parties’ Planning Conference or respond to discovery in this action, pending disposition of the numerous pending motions to dismiss in this case. As grounds for their motion, said defendants state:

1. This is a pro se action brought under 42 U.S.C. § 1983 arising from matters which allegedly occurred more than ten years ago.
2. Most of the defendants who have thus far answered the complaint in this case have filed motions to dismiss. The motions to dismiss are currently pending

before the Court. Orders directing the plaintiff to show cause why numerous of the motions to dismiss should not be granted have been issued by the Court.

3. Plaintiff Austin has now begun to attempt to obtain discovery from the defendants in this action. (See Rule 34 Request for Production of Documents served by plaintiff on April 2, 2007 attached to this motion.)

4. Because many, if not all, of the motions to dismiss filed by the numerous defendants to this case appear on their face to be meritorious, said defendants respectfully submit that, so as to not subject the defendants whose claims are time barred or otherwise subject to dismissal to burdensome discovery and the expense of needless litigation, and further for reasons of judicial efficiency and economy, disposition of the various pending motions to dismiss is appropriate before the parties (or those thereafter remaining) are required to meet, hold a Rule 26 meeting and thereafter respond to discovery in this action.

s/ George W. Royer, Jr.

George W. Royer, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that I have filed the foregoing upon the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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I hereby certify that I have served a copy of the foregoing by depositing a copy of the same in the United States mail, postage prepaid and properly addressed to his attorney of record to:

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on this the ____ day of April, 2007.

s/ George W. Royer, Jr.
George W. Royer, Jr.